

KATE McKENNA, AICP
Executive Officer

**MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**

Adopted March 26, 2007

An audio recording of this meeting is available at the LAFCO office. Please contact us at (831) 754-5838 to arrange a time to listen or to order a copy.

Regular Meeting

Monday, February 26, 2007, 2:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Commissioner Calcagno at 2:09 p.m. in the Monterey County Board of Supervisors Chambers. Commissioner Smith led the Pledge of Allegiance.

ROLL CALL

Members Present

Commissioner Calcagno, *(County Member)*
Commissioner Darington, Alternate *(Public Member)*
Commissioner DiMaggio *(Public Member)*
Commissioner Gourley, Alternate *(City Member)*
Commissioner McGowan *(Special District Member)*
Commissioner Shirrel, Alternate *(Special District Member)*
Commissioner Smith, *(County Member)*

Members Not Present, Presence Not Required

Commissioner Armenta, Alternate *(County Member)*

Members Not Present

Chair Tom Perkins, *(Special District Member)*
Commissioner Rubio, Vice-Chair, *(City Member)*
Commissioner Donohue, *(City Member)*

Staff Present

Kate McKenna, AICP, Executive Officer
Thomas A. McCue, AICP, Senior Analyst
Elliot Mulberg, Senior Analyst
Efren Iglesia, LAFCO Counsel
Rachelle Jones, LAFCO Clerk

Item 4: Selection of Temporary Chair Pro Tempore

Upon Motion of Commissioner Shirrel, seconded by Commissioner Smith, Commissioner Calcagno was selected unanimously as Temporary Chair Pro Tempore for this LAFCO meeting.

Item 5: Minutes

5.a Approval of Minutes of the December 4, 2006 Regular LAFCO Meeting.

Upon Motion of Commissioner Gourley, seconded by Commissioner DiMaggio, minutes of the December 4, 2006 LAFCO meeting, were unanimously approved.

5.b Approval of Minutes of the January 8, 2007 Special LAFCO Meeting.

Upon Motion of Commissioner Gourley, seconded by Commissioner DiMaggio, minutes of the January 8, 2007 Special LAFCO meeting, were unanimously approved.

Item 6: Public Comment:

None

Item 7: Commissioner Comment:

Commissioner McGowan requested the Commission to direct staff to draft a policy for consideration that future applications for City Spheres of Influence would require a Memorandum of Understanding between LAFCO and the City to address issues pertaining to each City's boundaries, particularly agricultural mitigation issues.

Item 8 (a-g): Consent Agenda:

Executive Officer McKenna provided staff report.

Upon Motion of Commissioner Smith, seconded by Commissioner Shirrel, consent agenda items: Accept Check Registers for November & December 2006 and January 2007, Receive List of Anticipated Future Agenda Items, Consider Year-End Budget Amendment for FY 2005-06, Consider Amendment to Hayashi & Wayland to Provide Accounting Services, December 31, 2006 Financial Statements, Mid-year Budget Amendment for FY 2006-07, and Authorizing the Budget and Finance Committee Chair to sign Courtesy Letters to Local Agencies Regarding Anticipated Contributions for Fiscal Year 2007-08 Budget, were unanimously approved.

Item 9: Public Hearing

9.a Continued consideration of a proposal submitted by the City of Greenfield to increase the City's Sphere of Influence by approximately 1,139 acres. The existing City contains approximately 1,126 acres and the existing Sphere of Influence outside the City limits is approximately 271 acres. (LAFCO File No. 06-10). A "Sphere of

Influence" is a plan for the probable physical boundaries and service area of the City. The City of Greenfield intends this increased area to be annexed into the City by the year 2025. The Sphere of Influence update would expand the area as far north as Thorne Avenue and the proposed Yanks Air Museum, as far south as Espinosa Road, as far east as 2nd Street, and as far west as 400 feet west of 13th Street .

Senior Analyst McCue provided staff report and presentation.

Temporary Chair Pro Tempore Calcagno allowed the City of Greenfield to provide a brief presentation prior to opening the item to the floor. City of Greenfield Mayor, John Huerta and Tad Stearn of P.M.C. provided the presentation.

Public Comment

The following people, in alphabetical order, provided public comment on this item:

Name	Topic of Discussion
Sheryl Ainsworth, Attorney representing property owner	Concerns with MOU process, public participation, Ag buffers, truck route concerns. In support of inclusion of her client's property (Jekel Vineyard) in a future proposal.
Manuel Amaral, representing property owner	In support of comments made by Mr. Finegan and inclusion of Jekel property. Expressed concerns in regards to truck routes and Ag-buffers on the West side.
Tom Carvey, Common Grounds Monterey	Impressed with the level of citizen involvement with City of Greenfield S.O.I. update, and supports City's proposal.
Geary Coats, representing property owner	In support of the City of Greenfield's S.O.I. alternative as put forth by the city.
Brian Finegan, Attorney representing property owner Franciona-Grieva	In support of inclusion of property located between Yanks Air Museum and proposed commercial area.
Nancy Isakson, Attorney representing property owner Franciona-Grieva	In support of the City of Greenfield's S.O.I. update as put forth by the city.
Aaron Johnson, Attorney representing several property owners	In support of the City's S.O.I. alternative.
Hans Jongens	Economical issues with changing prime farmland into housing developments.
J. Lohr	Does not encourage growth to the West.
Mike Novo, Monterey County Planning	In support of Executive Officer's recommended boundary, with an additional area excluded (Area identified as "Urban Transition Area" Southwest of the city.)

Richard Ortiz, Mayor, City of Soledad	In support of the City of Greenfield's S.O.I. alternative as put forth by the city.
Andrew Zaninovich	In support of inclusion of estate homes area in the Southwest portion of Sphere.

Temporary Chair Pro Tempore Calcagno closed item to the floor.

Commission Action

Upon Motion of Commissioner McGowan, seconded by Commissioner Calcagno, Consider A Comprehensive Sphere of Influence Update Submitted by the City Of Greenfield (*LAFCO File #06-10*), was continued to the next regular meeting to be held March 26, 2007 at 4:00 p.m. to give LAFCO and the City a chance to talk about the issues that were discussed at this meeting, by the following vote:

AYES: Commissioners McGowan, Calcagno, DiMaggio, Shirrel, and Smith
NOES: Gourley
ABSTAIN: None

Temporary Chair Pro Tempore Calcagno called a ten minute break.

Item 10: New Business

10.a Consider Monterey County Mayors' Association Letter of Request for Reconsideration of LAFCO Policies Relating to Regional Traffic Impact Mitigations and Efficient Development Patterns.

Senior Analyst Mulberg provided report.

Temporary Chair Pro Tempore Calcagno opened this item to the floor.

Public Comment

Temporary Chair Pro Tempore Calcagno closed public comment for this item.

Commission Action

Upon Motion of Commissioner DiMaggio, and seconded by Commissioner McGowan, Monterey County Mayors' Association Letter of Request for Reconsideration of LAFCO Policies Relating to Regional Traffic Impact Mitigations and Efficient Development Patterns, policies as approved by Commission on October 23, 2006 were reaffirmed by the following vote:

AYES: Commissioners McGowan, Calcagno, DiMaggio, and Shirrel
NOES: Commissioners Gourley and Smith
ABSTAIN: None

10.b Consider Establishing a Negotiating Committee to Extend the Executive Officer's Employment Agreement.

Executive Officer McKenna provided report.

There was no public comment for this item.

Commission Comment and Action

Commissioner McGowan requested serving as an alternate on the Executive Officer's negotiating committee, in the event that Commissioner Perkins is not available. Temporary Chair Pro Tempore Calcagno agreed that Commissioner McGowan be added as an alternate for Commissioner Perkins, on the committee.

Upon Motion of Commissioner Smith, and seconded by Commissioner McGowan, Members of the Negotiating Committee to Extend the Executive Officer's Employment Agreement were unanimously approved as following: Commissioners Darington, Perkins, and Rubio, as well as Commissioner McGowan as an alternate for Commissioner Perkins.

10.c Consider Legislation Report.

Senior Analyst Mulberg provided report.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Rubio, and seconded by Commissioner DiMaggio, Legislation report was unanimously accepted.

11: Executive Officers Report

No additional items to report.

Item 12: Correspondence

- a. Various Correspondences Relating to the Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*).
- b. Letter from Smith-Monterey, LLC regarding Proposed Smith-Monterey Eastern Extension and Salinas Land Company Lot 71 Projects.

The above items were included in the meeting packet.

Temporary Chair Pro Tempore Calcagno called the meeting into closed session.

Item 13: Closed Session

Under Government Code Section 54950 et.seq.

- a. Pursuant to Government Code Section 54956.9 (b) – Potential Litigation
The Commission will Confer with Legal Counsel Regarding One Item of
Significant Exposure to Litigation:
Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*)**
- b. Pursuant to Government Code Section 54956.9 (a) – Existing Litigation
The Commission will Confer with Legal Counsel Regarding the Following
Item:
Save Our Waterfront Committee VS. City of Monterey; City Council of the
City of Monterey; Local Agency Formation Commission of Monterey County,
et al., Respondents & Defendants:
Cannery Row Marketplace, LLC, et al., Real Parties in Interest – Superior
Court Case Number M78054**
- c. Pursuant to Government Code Section 54956.9 (a) – Existing Litigation
The Commission will Confer with Legal Counsel Regarding the Following Item:
William Sims, Mark Splinder, Sharon Waller, and Valley Volunteers, Inc.
(Petitioners) VS. Monterey County Local Agency Formation Commission also
known as LAFCO of Monterey County (Respondent) – Superior Court Case
Number M79069**

The meeting was reopened from Closed Session with no reportable action.

Item 14: Adjournment

On motion of Temporary Chair Pro Tempore Calcagno, there being no objection, the meeting was adjourned at 5:37 p.m. to the next regular LAFCO meeting to be held on Monday, March 26, 2007 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California.

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk